

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 23, 2000**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Masterson, J., Aragon, J. (Assigned) and S. Beaux,  
Deputy Clerk.

Each of the following:

B119940	People v. Pardo & Baeza
B129732	People v. Marquez
B130390	People v. Brown
B130683	People v. Zeghtchanian
B131027	People v. Faquir
B131880	People v. Cedillo
B131905	People v. Martinez & Castillo
B132916	People v. Massie
B133037	People v. Reddick
B133675	People v. Kingsley
B134438	D.C.F.S. v. Kathy M.
B134597	People v. Diblasi
B135060	People v. David H.
B135926	People v. Mario D.E.
B136035	D.C.F.S. v. Denise O.
B136108	In re Donella S.
B136222	People v. Frazier
B136856	People v. Nugucci P.

Argument waived, cause submitted.

DIVISION ONE (Continued)

B131692     Askmo  
              v.  
              Askmo

Merits:  
Argued by Robert Burch for appellant and no appearance for respondent.  
Cause submitted.

B123243     Selvin, Weiner & Ruben et al.  
              v.  
              Jacobson

Merits:  
Argued by Michael R. Brown for appellant and by W. Ruel Walker for  
respondents. Cause submitted.

B130975     The People  
              v.  
              Abbage

Merits:  
Argued by E. Stephen Temko for appellant and by Scott A. Taryle, deputy  
attorney general, for respondent. Cause submitted.

B129874     People  
              v.  
              Papa

Merits:  
Argued by Benjamin P. Wasserman for appellant and by Peggie Bradford  
Tarwater, deputy attorney general, for respondent. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B136570     People  
              v.  
              Wolf

Merits:

Argued by James R. Bostwick for appellant and by Robert F. Katz, deputy attorney general, for respondent. Cause submitted.

B136389     Retana  
              v.  
              TIG Insurance Company

Merits:

Argued by Indiana Retana, appellant in propria persona, and by Julie A. Covell for respondent. Cause submitted.

Ortega, J. returns to the bench.

Spencer, P.J. leaves the bench.

B127935     Rodriguez et al.  
              v.  
              Arrow Trucking Company

Merits:

Argued by Eugene F. West for appellant and by Stanley K. Jacobs for respondent Rodriguez and Judi L. Jacobs for respondent Latifa. Cause submitted.

Court adjourned.

DIVISION THREE

B139240 Bobby J. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J.

B137564 Tania V. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Kitching, J.

We concur: Croskey, Acting P.J.  
Aldrich, J.

B127027 People (Not for Publication)  
v.  
Byers

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.  
Schneider, J. (Assigned)

### DIVISION THREE (Continued)

B130741 People (Not for Publication)  
v.  
Machado

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Schneider, J. (Assigned)

B128894 People (Not for Publication)  
v.  
Carr

The judgment is ordered corrected to reflect the \$200 restitution fine imposed by the trial court pursuant Penal Code section 1202.4, subdivision (b). In all other respects, the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment.

Kitching, J.

I concur: Aldrich, J.  
I dissent: Klein, P.J. (Opinion)

B127238      People                                  (Certified for Publication)  
v.  
Santana

The judgment is reversed.

Klein, P.J.

We concur:   Kitching, J.  
                      Schneider, J. (Assigned)

## DIVISION FOUR

B134404 People (Not for Publication)  
v.  
Jeremiah D.

The judgment is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.  
Rubin, J. (Assigned)

B130937      CalMat Company      (Not for Publication)  
v.  
City of Irwindale

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, Acting P.J.

We concur: Curry, J.  
Rubin, J. (Assigned)

## DIVISION FIVE

B132149 People (Not for Publication)  
v.  
Daniel Fernandez et al.

The superior court clerk is directed to issue an amended abstract of judgment for Mr. Fernandez, which correctly reflects both restitution fines and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION FIVE (Continued)

B134322      Florence Maggio                      (Certified for Publication)  
                 v.  
                 Windward Capital Management Co., et al.

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.  
                 Weisman, J. (Assigned)

B134771      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Peter B.  
                 In re Melissa B.

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.  
                 Weisman, J. (Assigned)

B124790      New England Tomato Company  
                 v.  
                 Todd Sloan

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment) Request for sanctions denied.

DIVISION SIX

B132413 People (Not for Publication)  
v.  
Blanks

The judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

B133359 People (Not for Publication)  
v.  
Mitchell

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B132819 People (Not for Publication)  
v.  
Pangelinan

We modify the judgment to reflect presentence custody credits of 175 days of actual custody credit plus 86 days of conduct credit for a total of 261 days of credit. The trial court shall amend the abstract of judgment accordingly and forward the amended abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.



DIVISION SIX (Continued)

B130429     Tom Courtney & Associates, Inc.  
              v.  
              Stonepine Investors

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B132935     The Sanwa Bank Ltd.            (Not for Publication)  
              v.  
              Huang

The order is affirmed. Bank is entitled to costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                  Woods, J.

B134463     People                                (Not for Publication)  
              v.  
              Burk III

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                  Neal, J.

DIVISION SEVEN (Continued)

B130082      Snell      (Not for Publication)  
v.  
California Cartage Enterprises, Inc.

The judgment is reversed and the matter is remanded to the trial court for further proceedings. Appellant to receive costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B133928      Kassardjian et al.      (Not for Publication)  
v.  
Kivuls et al.

The judgment enforcing the settlement agreement is reversed, and the case remanded for further proceedings. Appellant shall recover his costs on appeal.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B135137      Nemirofsky      (Not for Publication)

v.

Regents of the University of California

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur:   Lillie, P.J.  
                     Johnson, J.

B125736      Cousine      (Not for Publication)

v.

City of Los Angeles et al.

Ponce et al.

The judgment is affirmed. Respondents City of Los Angeles, Dan Koenig, Fred Booker, Arturo Koenig and Diane Ponce shall recover their costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                     Woods, J.

B134300      Sony Pictures Entertainment, Inc., et al.      (Not for Publication)

v.

Certain Underwriters at Lloyd's of London

The judgment is affirmed. Each side to bear its costs on appeal.

Johnson, J.

We concur:   Lillie, P.J.  
                     Woods, J.

DIVISION SEVEN (Continued)

B128400      Nitti      (Not for Publication)  
v.  
F. Milton Condon et al.

That portion of the judgment denying appellant prejudgment interest is reversed and remanded to the trial court to enter an order granting appellant prejudgment interest according to law. IN all other respects the judgment is affirmed. Appellant Nitti to receive his costs on the appeal and in defense of the cross-appeal.

Johnson, J.

I concur: Lillie, P.J.  
I concur: Woods, J. (Opinion)

[illegible]

The order is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

B127946      Allen  
v.  
Sully-Miller Contracting Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B133399 People  
v.  
Hurd

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B135779      Merco Construction Engineers, Inc.  
                 v.  
                 City of Santa Monica

Filed order denying petition for rehearing.

B130197      People  
                 v.  
                 Vargas

Filed order denying petition for rehearing.